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ABSTRACT

American Indian and Alaska Native students with limited English proficiency are overrepresented in special education programs. This digest briefly reviews the legislation and literature pertaining to the influence of language and culture in making referrals, administering assessments, and providing appropriate services to Native students. Educators should understand that differences in learning, behavior, culture, and language, either separately or in combination, may exacerbate educational problems caused by disabilities. Educators must also know how to distinguish between a student who has a learning disability and one whose poor academic performance results in part from limited English proficiency. Recommendations for ensuring culturally and linguistically appropriate assessment are given. Using multiple assessments rather than relying on a single instrument such as a standardized test is recommended. When using standardized tests, it is important to note the potential for bias if the test has not been normed on the population with which it is used. Authentic or performance-based assessments should be used. Parents and families should be involved in the assessment process. Educators should be aware of and responsive to students' cultural and linguistic differences. (TD)

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# Using Culturally and Linguistically Appropriate Assessments To Ensure that American Indian and Alaska Native Students Receive the Special Education Programs and Services They Need

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# Using Culturally and Linguistically Appropriate Assessments To Ensure that American Indian and Alaska Native Students Receive the Special Education Programs and Services They Need

John W. Tippeconnic, III and Susan C. Faircloth

The *American Indian and Alaska Native Education Research Agenda* (Research Agenda Working Group, Strang, & von Glatz, 2001) represents the most recent formal call for research leading to improved assessments for American Indian and Alaska Native (AI/AN) students with special learning needs. Similar calls were recorded at hearings and published in commissioned papers in the early 1990s (Cahape, 1993; Johnson, 1991). The disproportionate number of AI/AN students receiving special education services and identified as *limited English proficient* (LEP) indicates an ongoing need for this research. This Digest briefly reviews the legislation and literature pertaining to the influence of language and culture in making referrals, administering assessments, and providing appropriate services and programs to AI/AN students.

## Characteristics of AI/AN Students in Special Education

Most (90%) of the approximately 500,000 AI/AN students attend public schools, while approximately 50,000 attend schools operated or funded by the Bureau of Indian Affairs (BIA) (2001). Although AI/AN students accounted for only 1% of the total public school enrollment during the 1999-2000 academic year, they accounted for 1.3% of all students served under the Individuals with Disabilities Education Act (IDEA) (U.S. Department of Education [USDE], 2001), a 30% higher than expected representation in special education programs and services.

In addition, among all U.S. students identified as being in need of LEP services 1.9% were AI/AN (nearly 55,000 students) and of all those reported to be enrolled in LEP programs, approximately 1.8% were AI/AN students (nearly 48,000) (USDE, 1999). According to the U.S. General Accounting Office (Shaul, 2001), approximately 20% of students attending BIA-operated or -funded schools received special education programs and services, and nearly 60% of the students in these schools were identified as LEP.

Citing the potential for overrepresentation of minority students in special education programs, the 1997 Amendments to the IDEA required states to begin collecting and reporting data on the number of students served in special education programs by race and/or ethnicity (USDE, 2001).

Under IDEA, 13 categories of disability may qualify students for services. According to a 2001 U.S. Department of Education report, AI/AN students were overrepresented in all disability categories with the exceptions of developmental delay (0.9%), orthopedic impairments (0.8%), and autism (0.7%). This overrepresentation was the highest for the categories of deaf-blindness (2.0%) and traumatic brain injury (1.6%). The largest numbers of AI/AN students appeared in the categories of specific learning disabilities (40,208), speech or language impairments (13,080), mental retardation (6,759), and emotional disturbance (5,171).

## Addressing Limited English Proficiency

As mentioned previously, the Office for Civil Rights estimated that in 1997, 54,718 American Indian students needed services to address limited English proficiency (USDE, 1999). As defined in Title IX of the No Child Left Behind Act of 2001, the term *limited English proficient* refers to an individual

- who is aged 3 through 21;
- who is enrolled or preparing to enroll in an elementary school or secondary school;
- who was not born in the United States or whose native language is a language other than English; who is a Native American or Alaska Native, or a native resident of the outlying areas, and who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
- whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual (i) the ability to meet the State's proficient level of achievement on State assessments . . . ; (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or (iii) the opportunity to participate fully in society (section 9101).

## Culturally and Linguistically Appropriate Assessments as Mandated by IDEA

Citing the need for culturally and linguistically appropriate assessment, the 1997 Amendments to IDEA included provisions for nondiscriminatory assessment/evaluation. These provisions apply both to preplacement assessment and to reevaluation of students currently served by special education programs and services. According to IDEA

- students must be tested in their native language or primary mode of communication;
- multiple forms of assessment must be used to ensure adequate assessment of a number of factors including cognitive, behavioral, physical, and developmental factors, and the results of these assessments are to be used when making placement decisions;
- tests and other evaluation materials are to be selected and administered in a manner that does not discriminate based on race or culture; and
- students must be assessed in all areas of the suspected disability.

In addition, standardized tests must be

- validated for the purpose for which they are to be used;
- administered by trained and knowledgeable personnel; and
- administered in accordance with the instructions issued by the developers of the tests (adapted from section 614).

Finally, assessments should incorporate tools and strategies that provide relevant information, which can be used to determine the educational needs of the child.

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A strong indication of the need for tests and testing as outlined in the law is the increasing number of AI/AN students who are identified as LEP (Shaul, 2001). To ensure that these students are appropriately educated, assessments must be conducted in a manner that facilitates the identification of and distinction between *language-related disabilities* and poor academic performance resulting from a *lack of English language proficiency*. According to Rice and Ortiz (as cited in USDE, 2001), when assessing students who have been identified as LEP, evaluators should obtain a clear description of the student's "communicative competence in both languages" (i.e. how well the student speaks and writes in his or her native language and in the English language). This will assist in determining whether the student has a language-related disability or if the student's academic difficulties are related to a lack of competence in the English language.

## Recommendations for Ensuring Culturally and Linguistically Appropriate Assessment

**Use culturally and linguistically appropriate assessments.** As discussed, evaluators should develop and use culturally and linguistically appropriate assessments to ensure that AI/AN students receive appropriate educational services (Banks, 1997; Johnson, 1991). Using multiple assessments rather than relying on a single instrument, such as a standardized test, can help to achieve this. Further, when using standardized tests, noting the potential for bias is especially important if the test has not been normed on the population with which it is to be used (Chamberlain & Madeiros-Landurand, 1991; Ishii-Jordan, 1997).

**Use authentic or performance-based assessments.** Educators should explore the use of authentic and performance-based assessments, such as the Learning Record,[1] to complement standardized testing. The Learning Record, currently used in a number of BIA-funded schools, has been characterized as "a performance-based assessment system that provides teachers with a structured method of tracking students' academic development and planning instruction to meet students' needs" (Fox, 1999, p. 167). Authentic or performance-based assessments provide students with opportunities to demonstrate knowledge of a particular task or set of tasks and ability to perform the task(s) in a real-life setting.[2]

**Involve parents and families in the assessment process.** According to Bordeaux (as cited in Fox, 1999), "the effort to improve cultural relevance of curriculum and assessment must be guided by all stakeholders, including parents and other tribal community members" (p. 174).

**Be aware of and responsive to students' cultural and linguistic differences.** When assessing AI/AN students, remember that there are more than 500 tribes across the nation, each with its own distinct language and culture.

## Summary

Educators must constantly monitor the influence of language and culture on the referral, assessment, and provision of special education programs and services to ensure that AI/AN students are appropriately served. As noted in the *Twenty-Third Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act*, educators should understand that "differences in learning, behavior, culture, and language, either separately or in combination, may exacerbate educational problems caused by disabilities" (USDE, 2001, Section II, p. 38). This report points out that educators must also know how to distinguish between a student who has a learning disability and one whose poor academic performance results in part from limited English proficiency.

A need for continued research related to the referral, assessment, and provision of special education programs and services to AI/AN students has long been recognized, and recently reinforced by the *American Indian and Alaska Native Education Research Agenda* (Research Agenda Working Group, et al., 2001). Educators and parents face questions far more complex than whether to place AI/AN students in special education programs or services. They need good information to determine what service or combination of services can ensure that AI/AN students receive the free and appropriate education guaranteed by law.

Continuing to develop, identify, and publish best practices in culturally and linguistically appropriate assessment will help to produce good information and ensure that AI/AN students receive educational programs that meet their needs and nurture their talents.

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[1] For additional information on the Learning Record, visit www.learningrecord.org

[2] For information on the use of authentic assessment in Bureau of Indian Affairs schools, see M. S. Shaul (2001), p. 14.


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